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October 4, 2023

VIA ECF

Hon. Arun Subramanian
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 15A
New York, NY 10007

RE: *Trustees of the New York City District Council of Carpenters
Pension Fund, et al., v. South Island Installers Inc., Case no. 23 CV 8045 (AS)*

Dear Judge Subramanian:

This firm represents Petitioners in the above-referenced matter. We write in connection with the Court's October 5, 2023 Order extending the time for Petitioners to serve Respondent with the Petition and order setting a briefing schedule and to file and serve supporting materials. The October 5, 2023 Order provides for personal service. We write to advise that despite diligent efforts to serve the Petition and order, as well as the preparation of all supporting materials, Petitioners have been yet-unable to serve Respondent personally. We respectfully request that the Court deem the proof of service annexed hereto as **Exhibit A** to be adequate service of the Petition and order. We also request a brief two-week extension of time to file the supporting materials and serve these materials in the same manner. This is the second such request for an extension. The Court granted Petitioners' first request.

Annexed hereto as **Exhibit A** is an affidavit of service, serving the Petition and scheduling order upon the New York State Secretary of State in accordance with N.Y. Bus. Corp. Law Sec. 306, as well as an email from Petitioners' process service confirming service upon the spouse of recently-identified agent, Francis Moran, Jr. (Petitioners have not yet received the formal affidavit from their process server but will promptly file same.) Previously in their attempts to personally serve Respondent, Petitioners were aware only of principal agent Joseph Moran, who has repeatedly relocated in the last twelve months. Annexed to this letter as **Exhibit B** are all combined affidavits of due diligence, faulty affidavits, and/or correspondence from Petitioners' process servers in connection with attempted service of the Petition and scheduling order upon Joseph



Moran. Petitioners very recently learned that Francis Moran, Jr. is an agent of the Respondent and served his spouse, a person of suitable age and discretion at his known place of residence. In combination with service upon the New York Secretary of State, we respectfully request that service of the Petition and order be deemed adequate.

Petitioners have prepared the supplemental materials required by the Court, but refrained from filing these in light of the extensive issues encountered regarding service. We therefore also request a brief two-week extension of time through **December 1, 2023** to file and serve the additional supporting materials, in light of these developments, with service to be effectuated by service upon the New York State Secretary of State and a person of suitable age and discretion at the residence of Francis Moran, Jr., the only agent of Respondent whom Petitioners have succeeded in locating. Respondent's opposition, if any, would be due **December 22, 2023.**

We sincerely apologize for the delay in submitting this request, as well as any inconvenience caused to the Court. We thank the Court for its time and attention to this matter and its consideration of this letter.

Sincerely,

/s/ Maura Moosnick

Maura Moosnick, Esq.

Application GRANTED. Plaintiff must file and serve the additional supporting materials by December 1, 2023. Respondent's opposition, if any, is due December 22, 2023.

The Clerk of Court is directed to terminate the motion at Dkt. 11.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: November 20, 2023